UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,771	06/12/2006	Rudolf Huber	0002600USU/4122	7860

27623 7590 04/26/2010

OHLANDT, GREELEY, RUGGIERO & PERLE, LLP
ONE LANDMARK SQUARE, 10TH FLOOR
STAMFORD, CT 06901

EXAMINER	
AJAYI, JOEL	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
04/26/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/562,771	HUBER ET AL.	
	Examiner	Art Unit	
	JOEL AJAYI	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 February 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *34-62* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *34-62* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to **claims 34-62** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 34, 35, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rao (U.S. Patent Number: 6,449,486)** in view of **Smith (U.S. Patent Number: 6,580,914)**, and further in view of **O'Riordain (U.S. Patent Number: 6,434,364)**.

Consider **claim 34;** Rao discloses in different embodiments a mobile phone comprising: communications means for communicating via a telephone communication network (col. 2, lines 57-60), the telephone communication network comprising a plurality of stationary base stations (col. 2, lines 66 and 67), the plurality of stationary base stations having a present base station (col. 2, lines 64-67); detection means for detecting a strength value (col. 1, lines 27-29) corresponding to the strength of a signal received from the present base station [the base station is part of the network (col. 2, lines 63-67; col. 4, lines 33-42)]; position information reception means for receiving an information signal of a satellite-based position system [GPS (col. 3, lines 16-19)]; first computation means for computing a current position of the mobile phone based on the signal received by the position information reception means (col. 3, lines 16-19, 64 and 65); first storage means for storing the positions computed by the first computation means as first position values [the mobile unit stores the information it receives (col. 5, lines 16-20)]; second computation means for computing the current position of the mobile phone (col. 3, lines 28-39) based on the strength value (col. 1, lines 27-29) and the identification code detected by the detection means (col. 4, lines 33-42); second storage means for storing the positions computed by the second computation means as second position values [the mobile unit stores the information it receives (col. 5, lines 16-20)]; and position message compiling means for compiling a position message comprising a plurality of most current position values computed by the first and second computation means (col. 5, lines 20 and 21), wherein the communication

means can send the position message via said telephone communication network (col. 3, lines 19-21, 64-67; col. 5, lines 31-34), wherein said first computation means [third estimate (col. 3, lines 16-19, 64 and 65)] and said second computation means [first estimate (col. 3, lines 28-39)] are separate means (col. 3, lines 22-25).

Rao discloses the claimed invention except: detecting an identification code of the present base station.

In an analogous art Smith discloses detecting an identification code of the present base station (col. 3, lines 23-25, 36-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Rao by including an identification of a base station, as taught by Smith, for the purpose of providing location based information to a communications device.

Rao and Smith disclose the claimed invention except: said first storage means and said second storage means are physically separated from each other.

In an analogous art O'Riordain discloses that said first storage means and said second storage means are physically separated from each other (col. 7, lines 41-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rao and Smith by including physically separated memories/storage areas, as taught by O'Riordain, for the purpose of improving system performance.

Consider **claim 35;** Smith discloses that the detection means can detect a plurality of strength values of a plurality of signals received from a plurality of adjacent base stations and a

plurality of identification codes of the plurality of adjacent base stations (col. 3, lines 23-25, 36-61), and wherein the second computation means is adapted to use all strength values and all identification codes detected by the detection means for computing the current position of the mobile phone (col. 3, lines 23-25, 36-61).

Consider **claim 56;** Rao discloses the mobile phone further comprises display means for showing information and read out means for automatically read out information shown by the display means based on a text to speech algorithm via a speaker of the mobile phone [presenting audible location information (col. 6, lines 44-49)].

Claims 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rao (U.S. Patent Number: 6,449,486)** in view of **Smith (U.S. Patent Number: 6,580,914)**, in view of **O'Riordain (U.S. Patent Number: 6,434,364)**, and further in view of **Corbett et al. (U.S. Patent Number: 6,351,642)**.

Consider **claim 36;** Rao, Smith, and O'Riordain disclose the claimed invention except: motion calculation means for calculating a direction and a velocity of motion of the mobile phone based on at least two first position values and/or two second position values.

In an analogous art Corbett discloses motion calculation means for calculating a direction and a velocity of motion of the mobile phone based on at least two first position values and/or two second position values (col. 4, lines 63 - col. 5, line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rao, Smith, and O'Riordain by including the calculation of

the velocity of a mobile device, as taught by Corbett, for the purpose of improving location detection of a mobile device.

Consider **claim 37;** Corbett discloses that the position message compiling means can compile a motion message comprising the direction and the velocity of motion calculated by the motion calculation means (col. 4, lines 63 - col. 5, line 4; col. 8, lines 56-59), and wherein the communication means can send the motion message together with a position message via said telephone communication network (col. 4, lines 63 - col. 5, line 4; col. 8, lines 56-59).

Consider **claim 38;** Corbett discloses that the position message compiling means can compile a position history (previous) message comprising former position values computed by the first and second computation means (col. 4, lines 63 - col. 5, line 4; col. 8, lines 56-59), and wherein the communication means can send the position history (previous) message together with the position message via said telephone communication network (col. 4, lines 63 - col. 5, line 4; col. 8, lines 56-59).

Consider **claim 39;** Rao discloses that status detecting means for detecting a plurality of settings (e.g. availability of GPS signals) and a status of the mobile phone (col. 7, lines 40-52), and status message compiling means for compiling a status message comprising the plurality of settings (e.g. GPS signals) and the status information detected by the status detecting means (col. 7, lines 40-52), and wherein the communication means is adapted to send the status message via said telephone communication network (col. 3, lines 64 and 65; col. 7, lines 40-52).

Claims 40-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rao (U.S. Patent Number: 6,449,486)** in view of **Smith (U.S. Patent Number: 6,580,914)**, in view of

O'Riordain (U.S. Patent Number: 6,434,364), and further in view of **Squibbs (U.S. Patent Application Number: 2002/0004404)**.

Consider **claim 40;** Rao, Smith, and O'Riordain disclose the claimed invention except: the mobile phone further comprises status setting means for setting a plurality of settings and a status of the mobile phone, wherein the status setting means are adapted to set the plurality of settings and the status of the mobile phone based on a message received via the telephone communication network, and wherein the message comprises an authorization code.

In an analogous art Squibbs discloses that the mobile phone further comprises status setting means for setting a plurality of settings [related to display (par. 40)] and a status [location (par. 44, lines 1-13)] of the mobile phone, wherein the status setting means are adapted to set the plurality of settings and the status of the mobile phone based on a message received via the telephone communication network (par. 44, lines 1-13), and wherein the message comprises an authorization code (par. 44, lines 1-13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rao, Smith, and O'Riordain by including an authorization code, as taught by Squibbs, for the purpose of ensuring that information is provided based on position or location.

Consider **claim 41;** Squibbs discloses that the position message and/or motion message and/or status message is sent to a service centre based on a request of the service centre [SMS service center (par. 42, lines 1-11)] received by the communication means of the mobile phone via the telephone communication network (par. 44, lines 1-13).

Consider **claim 42;** Squibbs discloses the position message and/or motion message and/or status message is sent to an authorized person (SMS service center) based on a request of the authorized person received by the communication means via the telephone communication network (par. 44, lines 1-13).

Consider **claim 43;** Squibbs discloses that the request is filed as a request message which comprises an authorization (display) code (par. 44, lines 1-13).

Consider **claim 44;** Squibbs discloses that the request is filed as a request message which further comprises a message identification (display) code for identifying the requested message (par. 44, lines 1-13).

Consider **claim 45;** Squibbs discloses that the request is filed as a special format short message service message (par. 41, line 1 – par. 42, line 1), and wherein the position message and/or motion message and/or status message is filed in the special format short message service message [only current passers-by know the current display code, which is included in a SMS (par. 44, lines 1-13)].

Claims 46-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rao (U.S. Patent Number: 6,449,486)** in view of **Smith (U.S. Patent Number: 6,580,914)**, in view of **O'Riordain (U.S. Patent Number: 6,434,364)**, in view of **Squibbs (U.S. Patent Application Number: 2002/0004404)**, and further in view of **Griffin, JR. et al. (U.S. Patent Application Number: 2002/0183037).**

Consider **claim 46;** Rao, Smith, O'Riordain, and Squibbs disclose the claimed invention except: an emergency button, wherein the position message and/or motion message and/or status

message is automatically sent to the service centre and/or an emergency call number and/or the authorized person based on an operation of the emergency button.

In an analogous art Griffin discloses an emergency button (par. 10), wherein the position message and/or motion message and/or status message is automatically sent to the service centre and/or an emergency call number and/or the authorized person based on an operation of the emergency button (par. 15, lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Rao, Smith, O'Riordain, and Squibbs by including an emergency button, as taught by Griffin, for the purpose of transmitting essential data, pertaining to location, across a wireless telecommunication system.

Consider **claim 47;** Griffin discloses alarm mode performing means, wherein the alarm mode performing means can terminate any telephone connection besides a telephone connection with the service centre or the emergency call number or the authorized person (par. 9), send the position message and/or motion message and/or status message to the service centre and/or the emergency call number and/or the authorized person (par. 15, lines 1-3), and automatically answer a phone call of the service centre and/or the emergency call number and/or the authorized person based on an operation of the emergency button (par. 15, lines 8-13).

Consider **claim 48;** Griffin discloses a hands free set means [self-dial (par. 15, lines 1-3)], and wherein the alarm mode performing means is further adapted to automatically activate the hands free set means (self-dial) based on the operation of the emergency button (par. 15, lines 1-3).

Consider **claim 49;** Griffin discloses the alarm mode performing means is further adapted to emit an alarm signal via a load speaker of the mobile phone based on the operation of the emergency button (par. 11).

Consider **claim 50;** Griffin discloses the alarm mode performing means can disable any keys or a touchscreen of the mobile phone based on the operation of the emergency button [the panic relief system supersedes any other functionality (par. 9)].

Consider **claim 51;** Griffin discloses the alarm mode performing means can resend the position message and/or motion message and/or status message to the service centre and/or the emergency call number and/or the authorized person if no call is received from the service centre and/or the emergency call number and/or the authorized person in a first predetermined time period after operation of the emergency button (par. 12, lines 1-12).

Consider **claim 52;** Griffin discloses the alarm mode performing means can automatically establish a phone connection (self-dial) to the service centre and/or the emergency call number and/or the authorized person if no call from the service centre and/or the emergency call number and/or the authorized person is received in a second predetermined time period after operation of the emergency button (par. 12, lines 1-12).

Consider **claim 53;** Griffin discloses the alarm mode performing means can automatically switch the mobile phone on (par. 15, lines 1-3) if it is in an off-state during the operation of the emergency button (par. 9).

Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Rao (U.S. Patent Number: 6,449,486)** in view of **Smith (U.S. Patent Number: 6,580,914)**, in view of

O'Riordain (U.S. Patent Number: 6,434,364), in view of **Squibbs (U.S. Patent Application Number: 2002/0004404)**, in view of **Griffin, JR. et al. (U.S. Patent Application Number: 2002/0183037),** and further in view of **Schulze (U.S. Patent Number: 6,967,580).**

Consider **claim 54;** Rao, Smith, O'Riordain, Squibbs, Griffin disclose the claimed invention except: the alarm mode performing means can allow a termination of the alarm mode only on receipt of a reset message by the communication means via the telephone communication network, and wherein the reset message comprises a reset authorization code.

In an analogous art Schulze discloses the alarm mode performing means can allow a termination of the alarm mode only on receipt of a reset message by the communication means via the telephone communication network, and wherein the reset message comprises a reset authorization code [only the receiving end has the authority to disconnect/deactivate the emergency call (col. 10, lines 4-16, 28 and 29)].

It would have been obvious to one of ordinary art in the skill to modify the teaching of Rao, Smith, O'Riordain, Squibbs, Griffin by including the deactivating of an alarm/emergency, as taught by Schulze, for the purpose of ensuring proper monitoring of emergency or alarm communications.

Claims 55 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rao (U.S. Patent Number: 6,449,486)** in view of **Smith (U.S. Patent Number: 6,580,914)**, in view of **O'Riordain (U.S. Patent Number: 6,434,364)**, and further in view of **Ausems et al. (U.S. Patent Application Number: 2001/0044321)**.

Consider **claim 55;** Rao, Smith, O'Riordain disclose the claimed invention except: the mobile phone further comprises a microphone, an earphone speaker for handset telephone communication, and an additional speaker on a backside of the mobile phone for hands free telephone communication, wherein the microphone is used for both the handset telephone communication and the hands free telephone communication.

In an analogous art Ausems discloses the mobile phone further comprises a microphone (par. 37 and 39), an earphone speaker (additional attachment) for handset telephone communication and an additional speaker on a backside of the mobile phone for hands free telephone communication (par. 37 and 39), wherein the microphone is used for both the handset telephone communication and the hands free telephone communication (par. 37 and 39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Rao, Smith, O'Riordain by including a microphone and speaker, as taught by Ausems for the purpose of providing relevant wireless communication capabilities.

Consider **claim 57;** Ausems discloses that the mobile phone further comprises self-test means for outputting (presentation) a plurality of tones of specified frequency and level to at least one speaker or at least one buzzer of the mobile phone and for measuring an input level (voice/speech has to be at a certain level for the function to be activated) of a microphone of the mobile phone (par. 32, 37, and 39).

Claims 58-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rao (U.S. Patent Number: 6,449,486)** in view of **Smith (U.S. Patent Number: 6,580,914)**, in view of

O'Riordain (U.S. Patent Number: 6,434,364), in view of **Squibbs (U.S. Patent Application Number: 2002/0004404)**, in view of **Griffin, JR. et al. (U.S. Patent Application Number: 2002/0183037),** and further in view of **Dimenstein et al. (U.S. Patent Application Number: 2002/0086703).**

Consider **claim 58;** Rao, Smith, O'Riordain, Squibbs, and Griffin disclose the claimed invention except: the mobile phone further comprises contact means for providing electrical contact between the mobile phone and a docking station for the mobile phone and means to detect an individual identification code of said docking station, and wherein the individual identification code is provided by said docking station to said mobile phone via said contact means.

In an analogous art Dimenstein discloses the mobile phone further comprises contact means for providing electrical contact between the mobile phone and a docking station for the mobile phone (par. 32, lines 1-10) and means to detect an individual identification code of said docking station (par. 24, lines 1-6), and wherein the individual identification code is provided by said docking station to said mobile phone via said contact means (par. 24, lines 1-6).

Therefore it would have been obvious to one of ordinary skill in the art to the time the invention was made to modify the teaching of Rao, Smith, O'Riordain, Squibbs, and Griffin by including a docking station, as taught by Dimenstein, for the purpose of increasing the capabilities of the mobile device.

Consider **claim 59;** Dimenstein discloses the position message compiling means can include the individual identification code of the docking station to the position message (par. 22, lines 4-10; par. 24, lines 1-6).

Consider **claim 60;** Dimenstein discloses a docking station for a mobile phone comprising: holding means for mechanically holding the mobile phone in a stable position (par. 32); contact means to provide electrical contact between the docking station and the mobile phone (par. 32, lines 1-10; par. 33, lines 11-16); power supply means to load a battery of the mobile phone via said contact means (par. 35); and ID storing means to store an individual identification code of the docking station [the docking station has memory (par. 27). Therefore it will be obvious that the identification (par. 24, lines 1-6) sent to the mobile communication device is stored at the docking station, and Dimenstein does not disclose that it is retrieved from anywhere else], wherein the individual identification code of the docking station is provided to the mobile phone via said contact means (par. 24, lines 1-6).

It would also have been obvious to one having ordinary skill in the art at the time the invention was made to include memory for storing the ID (par. 24, lines 1-6), since it has been held that omission of an element and its function in a combination where the remaining elements perform the same function as before involves only routine skill in the art. *In re Karlson*, 136 USPQ 184.

Consider **claim 61;** Dimenstein discloses the docking station further comprises data bus connection means (par. 19, lines 1-6) to provide electrical contact between data output means of the docking station and the mobile phone (par. 32, lines 1-10; par. 33, lines 11-16).

Consider **claim 62;** Dimenstein discloses the docking station further comprises audio connection means (par. 19) to provide electrical contact between audio input/output means of the docking station and the mobile phone (par. 32, lines 1-10; par. 33, lines 11-16).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Joel Ajayi whose telephone number is (571) 270-1091. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm and Friday 7:30am to 4:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Joel Ajayi/

Examiner, Art Unit 2617

/LESTER KINCAID/

Supervisory Patent Examiner, Art Unit 2617